

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on July 7, 2005, and the references cited therewith.

No claims are amended, no claims are canceled, and no claims are added; as a result, Claims 1-20, 24, and 25 are now pending in this application.

Section 102 Rejection of the Claims

Claims 1-2 and 24-25 were rejected under 35 USC §102(b) as being anticipated by Wolda (U.S. Patent No. 5,988,724). In support of this rejection, the Examiner alleges that Wolda teaches the use of a torsion spring 56. Applicant respectfully disagrees.

Wolda teaches a “torque bar or torque rod 56 of generally U-shaped configuration.” Column 4, lines 4-5. “In operation, torque rod 56 twists in torsion.” Thus, torsion in Wolda is created by twisting a torque rod, not by actuating a spring. Nowhere in Wolda is the use of a torsion spring taught or suggested as it is in the present invention. Moreover, Wolda does not teach or suggest a torsion spring activated in a winding direction.

The present invention as claimed, on the other hand, requires a torsion spring actuated in a winding direction. As taught in the specification as a whole, and especially at page 3, line 26 to page 4, line 1; page 5, line 30 to page 6, line 2; and page 9, lines 3-18; a torsion spring comprises coils. The present specification as a whole and especially Figure 4 and accompanying text teaches that torque is created in the present invention by actuating the torsion spring in a winding direction and not by twisting a torque rod.

Wolda does not teach or suggest at least one element of the present claims. According, Wolda does not anticipate the present invention and Applicant respectfully requests this rejection be withdrawn.

Section 103 Rejection of the Claims

Claims 4-10 were rejected under 35 USC § 103(a) as being unpatentable over Wolda (U.S. Patent No. 5,988,724). Applicant respectfully request this rejection be withdrawn for the same reasons the Section 102 rejection is requested to be withdrawn.

Allowable Subject Matter

Claim 3 is objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As explained above, Applicant contends that Claim 3 is currently in Condition for Allowance. Claims 11-20 are allowed.

Finality of Office Action

Applicant respectfully request that the finality of the latest Office Action be withdrawn as it appears that the finality may be premature. Great care should be exercised in rejecting previously allowed claims. MPEP 706.04. Because it is unusual to reject a previously allowed claim, the Examiner should point out in his or her office action that the claim now being rejected was previously allowed by using Form Paragraph 7.50. MPEP 706.04. The Examiner did not use Form Paragraph 7.50 so perhaps marking the Office Action as Final was inadvertent.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (989-297-1298) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-3019.

Respectfully submitted,

RODNEY EUGENE LIBBY

By his Representatives,

Customer 36732
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Date September 7, 2005 By Stanley K Hill
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 7 day of September, 2005.

Chris Hammond

Name

Chris Hammond

Signature